

Part C State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development: see Overview of Kentucky's State Performance Plan Development Process document.

(The following items are to be completed for each monitoring priority/indicator.)

Monitoring Priority: EFFECTIVE GENERAL SUPERVISION PART C / GENERAL SUPERVISION

Indicator 10 – Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

Measurement:

Percent = (1.1(b) + 1.1(c)) divided by (1.1) times 100

Overview of Issue/Description of System or Process:

The written complaint measurement system for Kentucky includes:

1. Policies and procedures to guide written complaint practices
2. Provision of training and technical assistance supports to administrators and service providers in written complaint data collection, reporting and use
3. Quality assurance and monitoring procedures to ensure the accuracy of the written complaint data
4. Data system elements for written complaint data input and maintenance, and written complaint data analysis functions

Each of these is described below:

A complaint may be submitted by an individual or provider, and is defined as *a written, signed allegation that a federal or state law, rule, or regulation has been violated*. A complainant is defined as *the one who files the complaint*. This procedure was adapted from procedures described in §§ 34 CFR 303.510 through 303.512. The complaint must include a statement that a requirement of Part C has been violated and a statement of the facts on which the complaint is based. The complaint must allege a violation that occurred no more than one year prior to the date the complaint is received in accordance with §§303.511. An example of a reason for a complaint is the provider fails to provide services to a family as indicated on the IFSP. A complaint can be initiated by families or other providers.

1. Policies and procedures to guide written complaint practices

Once a complaint is received First Steps has sixty (60) calendar days (unless exceptional circumstances exist which would necessitate additional time or the parties request additional time to pursue alternative methods to resolve the dispute) to:

- carry out an independent on-site investigation if it determines that such an investigation is necessary;
- give the person who submitted the complaint an opportunity to submit additional information, either orally or in writing;
- give the Provider named in the complaint an opportunity to respond to the complaint which could include a proposal to resolve the complaint or a request, with the consent of the parent, to pursue mediation or other alternative means of dispute resolution;
- review all relevant information and make an independent determination about the alleged violations;

- issue a written decision to the complainant that addresses each allegation and contains findings of fact, conclusions, the reasons for the final decision, and procedures for effective implementation of the decision such as technical assistance, negotiations, or corrective actions.

The TA Teams implement the complaint process in First Steps. Each new family is given the "Family Rights Handbook" upon entry into the program. This Handbook is intended to outline their rights and describes the various ways that a family can file a complaint, Mediation or Due Process. Then at each IFSP meeting, the family is again given a summary of those rights which includes how to file a complaint, Mediation or Due Process. As required, families may go immediately to Mediation or Due Process. However, Kentucky also has a system in place where families can call any TA Team member and register a complaint. All complaints registered with the TAT are given to the Program Evaluator. The Program Evaluator must respond to the complaint by gathering initial information on the Complaint form and send it to the Program Evaluation Coordinator within forty-eight (48) hours. The Program Evaluator may investigate each complaint in a variety of methods according to the nature of the complaint. The investigation can include phone interviews with providers and parents, on-site visits or review of requested documents. If the complaint is unsubstantiated (defined as not proven or supported by evidence), the Complaint form is finalized and sent to the Lead Agency with the reason that the complaint was unsubstantiated. If the investigation indicates substantiated findings, a Program Review will be completed. A report will be written and sent to the Lead Agency following this program review. Depending on those findings, an Action Plan could be required. In either situation, the person filing the complaint is contacted and told that the complaint had been investigated and if appropriate, the result of the investigation.

2. Provision of training and technical assistance supports to administrators and service providers in written complaint data collection, reporting, and use

Another part of the Complaint Process is sharing findings with other members of the Technical Assistance Team. Each Program Review Report completed by the Program Evaluator is sent to the Parent Consultant and the Program Consultant. Their responsibility in the process is to review the areas and make either training changes or technical assistance activities to help the provider to improve in the area of non-compliance. In addition, when they see a trend in their region where same or similar areas of non-compliance are occurring, then they are charged with training the entire region on the appropriate ways to ensure compliance in those areas.

3. Quality assurance and monitoring procedures to ensure the accuracy of the written complaint data

Kentucky strives to complete complaints within the 60 day timeframe. The Complaint process and reports are filed in the Central Office and overseen by the Quality Assurance Administrator. Their responsibility is to review all reports and approve all Action Plans. This staff person also has the responsibility to look for possible trends in areas of non-compliance and bringing those trends to the attention of the Lead Agency. Once those trends are identified, the Lead Agency either requests that the statewide Training Coordinator revise existing training to ensure that those areas are clear and stressed in the mandatory provider trainings or request specific training be developed to address the trend then shared with each TAT to be carried out in their region. In addition, if the problem will be clarified by changing policies and procedure or regulations, the Lead Agency may re-write to provide more direction on the issue. Once the changes are approved the Lead Agency will provide training and information to the TAT to have them alert their providers of the new language.

4. Data system elements for written complaint data input and maintenance, and written complaint data analysis functions

After the completion of the complaint investigation, the findings are logged into an excel spreadsheet. The spreadsheet contains information on the findings of the investigation and if it is completed in the necessary 60 day time frame.

Baseline Data for FFY 2004 (2004-2005): There were no formal complaints filed for federal fiscal year July 1, 2004 to June 30, 2005. However, Kentucky had a total of thirty-three (33) informal complaint investigations. All except one complaint investigation was completed within the sixty (60) days. The one complaint not completed within the required timeframe is due to the complaint coming in at the end of the fiscal year. This occurrence has been resolved in FY 2005 (2005-2006) and will be reported on in the February, 2007 Annual Performance Report (APR).

Discussion of Baseline Data: There were no formal complaints filed for federal fiscal year July 1, 2004 to June 30, 2005. However, Kentucky had a total of thirty-three (33) informal complaint investigations. All except one complaint investigation was completed within the sixty (60) days. The one complaint not completed within the required timeframe is due to the complaint coming in at the end of the fiscal year. This occurrence has been resolved in FY 2005 (2005-2006) and will be reported on in the February, 2007 Annual Performance Report (APR). Review of the (33) thirty-three complaints filed revealed the majority of the allegations were submitted from other providers. In order to address these issues, Kentucky is investigating adopting the National Association for the Education of Young Children (NAEYC) code of ethical conduct and establishing minimum standards of practice. In addition, from provider allegations we are also investigating adding a signature line for parents/guardians on provider notes to ensure that families received services as planned.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100 % of signed written complaints will have reports issued and be resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2006 (2006-2007)	100 % of signed written complaints will have reports issued and be resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2007 (2007-2008)	100 % of signed written complaints will have reports issued and be resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2008 (2008-2009)	100 % of signed written complaints will have reports issued and be resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2009 (2009-2010)	100 % of signed written complaints will have reports issued and be resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2010 (2010-2011)	100 % of signed written complaints will have reports issued and be resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

Improvement Activities/Timelines/Resources:

IMPROVEMENT ACTIVITY	TIMELINE	RESOURCES
1. Develop a Complaint form for filing formal complaints and also outline procedures to ensure families can get complaints to First Steps Administration.	June 2006	Quality Assurance Administrator, State Training Coordinator, Technical Assistance Teams
2. Revisit the complaint process and timelines with Technical Assistance Teams to ensure timely completion of complaints and through investigations.	September 2006	Quality Assurance Administrator, State Training Coordinator
3. Revise the Family Rights Handbook to include a complaint form and procedures in order for families to be aware of how to file a formal complaint.	June 2007	Quality Assurance Administrator, State Training Coordinator
4. Revisit trainings for providers and families to ensure complaint process procedures are detailed and that they are aware of how to file a formal complaint.	June 2007	Quality Assurance Administrator, State Training Coordinator, Technical Assistance Teams